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*Travelers Property Casualty Company of*  
*America*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ANDREAS YANIK,

Plaintiff,

v.

TRAVELERS PROPERTY CASUALTY  
COMPANY OF AMERICA,

Defendant.

CASE NO.: 2:24-cv-01409-RFB-DJA

**STIPULATION AND ORDER**  
**GRANTING LEAVE TO AMEND**  
**COMPLAINT**

Plaintiff Andreas Yanik (“Plaintiff”) and Defendant Travelers Property Casualty Company of America (“Travelers Property”), by and through the undersigned counsel, stipulate and agree as follows:

1. Plaintiff filed his First Amended Complaint [Dkt. 1-2] on July 10, 2024, against Travelers Property based on the alleged failure to timely investigate and pay his insurance claim. The First Amended Complaint includes causes of action for breach of contract, unreasonable delay, bad faith, intentional infliction of emotional distress, violation of statutory duties, failure to investigate, and failure to settle. *See id.*

2. However, the relevant insurance policy was issued to Plaintiff by The Travelers Home and Marine Insurance Company (“Travelers Home”) rather than Travelers Property. *See* Homeowners’ Policy No. 602487722 633 1 (“Policy”) [Dkt. 5-1].

3. On August 8, 2024, Travelers Property filed its Motion to Dismiss [Dkt. 5] because

(1) it is not a proper party to the insurance contract on which Plaintiff's claims are based and (2) several of Plaintiff's claims are either not cognizable under Nevada law or are otherwise duplicative of his claims for bad faith or violation of statutory duties.

4. In exchange for Travelers withdrawing its Motion to Dismiss [Dkt. 5], Plaintiff will agree to file a Second Amended Complaint within fourteen (14) days after entry of this order. The Second Amended Complaint shall remove Travelers Property as a named defendant in this action and instead name the correct underwriting company (Travelers Home). The Second Amended Complaint shall also remove any claims that are not cognizable under Nevada law or are otherwise duplicative of other claims.

5. The undersigned counsel will agree to accept service of the Second Amended Complaint on behalf of Travelers Home.

6. Travelers Home shall have twenty-one (21) days after service of the Second Amended Complaint upon undersigned counsel on behalf of Travelers Home to file a responsive pleading.

Dated: August 27, 2024

BOWEN LAW OFFICES

/s/ Jerome R. Bowen

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*Attorneys for Defendant Travelers Property  
Casualty Company of America & Non-Party  
The Travelers Home and Marine Insurance  
Company*

**ORDER**

IT IS SO ORDERED.



RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT COURT  
DATED this 27 of August 2024.

**CERTIFICATE OF SERVICE**

As an employee of Clyde & Co US LLP, I certify that a copy of the foregoing **STIPULATION AND ORDER GRANTING LEAVE TO AMEND COMPLAINT** was served by the method indicated:

- ☐ **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m. pursuant to EDCR Rule 7.26(a). A printed transmission record is attached to the file copy of this document(s).
- ☐ **BY U.S. MAIL:** by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Las Vegas, Nevada addressed as set forth below.
- ☒ **BY ELECTRONIC SERVICE:** submitted to the above-entitled Court for electronic service upon the Court's Registered Service List for the above-referenced case.
- ☐ **BY EMAIL:** by emailing a PDF of the document listed above to the email addresses of the individual(s) listed below.

Dated: August 27, 2024

/s/ Maricris Williams  
An Employee of Clyde & Co US LLP